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INTELLECTUAL PROPERTY LAW

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June 9, 2006

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Utility Patent Application Transmittal
U.S. Patent Application Ser. No. (not assigned)
National Phase of PCT/EP2004/013349
Inventors: Berger et al.
Title: *Drilling Hammer and/or Percussive Hammer Having a Tool Holding
Fixture*
Assignee: Wacker Construction Equipment AG
Customer Account No.: **23598**
Our Ref: 72.106

Dear Sir:

Enclosed in connection with the above-identified national phase patent application are:

- the national phase application, consisting of:
 - 13 pages of specification,
 - 14 claims on 3 sheets, and
 - 4 Drawings on 4 sheets;
- Application Data Sheet;
- a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. 371;

- a Preliminary Amendment (1) entering amendments made to the international application under Article 34, (2) submitting a substitute specification in which the application is amended to incorporate the amendments made under Article 34 and to insert the required headings, (3) amending the claims without narrowing the claims and without adding new matter, (4) eliminating multiple dependencies and otherwise placing the claims into conformance with preferred USPTO practice, and (5) adding an Abstract. Please enter the Preliminary Amendment before determining the filing fees; and
- an Information Disclosure Statement (IDS), Form PTO-1449, and a copy of the cited documents.
- an executed Declaration; and
- an Appointment of Domestic Representative.

Applicant(s):

| <u>Name</u> | <u>Residence</u> | <u>Citizenship</u> |
|--------------------|-------------------------|---------------------------|
| Rudolf Berger | Grünwald, Germany | Germany |
| Wolfgang Schmid | München, Germany | Germany |

Assignment for Published Application:

Wacker Construction Equipment AG

Power of Attorney:

Those attorneys associated with Customer Account No. **23598**.

Small Entity Statement:

Not applicable.

Domestic Priority data as claimed by applicant:

This application is a 371 of **PCT/EP2004/013349**; filed **24 November 2004**
(24.11.2004).

Foreign Application(s):

German Appl. Ser. No. 103 60 008.6; filed 19 December 2003 (19.12.2003)

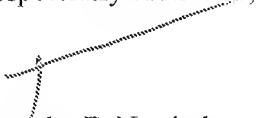
Non-Publication Request:

Not applicable.

Deposit Account Authorization

The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



Timothy E. Newholm
Registration No. 34,400

Enclosures